

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

EDWIN OLAND ANDRUS,

Petitioner,

v.

WARDEN, FCI-TEXARKANA,

Respondent.

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CIVIL ACTION NO. 5:23-CV-35-RWS-JBB

ORDER

Petitioner Edwin Andrus, proceeding *pro se*, filed the above-captioned petition for a writ of habeas corpus challenging the computation of his sentence. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Petitioner filed his petition while he was in custody of the Federal Bureau of Prisons. Docket No. 1 at 14–15. He contended that he should have been placed in home confinement or at a residential re-entry center several months prior to the filing of his petition due to his First Step Act time credits. *Id.* at 14, 18. He complained that prison officials discriminated against inmates convicted of sex offenses by preventing them from applying their time credits, and he asserted that a Federal Bureau of Prisons employee filed a false incident report in retaliation for Petitioner’s request that an error in his sentence computation be corrected. *Id.* at 15–17; Docket No. 1-3. His petition requests that he be placed in a residential re-entry center or on home confinement. Docket No. 1 at 18.

In his response, the Respondent stated that Petitioner did not exhaust his administrative remedies and that, in any event, the petition was moot because Petitioner had been released to a residential re-entry center as of August 29, 2023. Docket No. 14-2 at 3. Petitioner filed a motion

for extension of time to reply to the response, which was granted, but no reply has been filed. *See* Docket Nos. 15, 16.

Sentence computation records attached by the Respondent showed that the projected satisfaction date of Petitioner's sentence, with 365 days of First Step Act time credits, was July 21, 2024. Docket No. 14-2 at 7. The online records of the Federal Bureau of Prisons show that Petitioner was not in Bureau custody as of July 19, 2024. *See* Federal Bureau of Prisons, Inmate Locator, <https://www.bop.gov/inmateloc/>.

After review of the pleadings, the Magistrate Judge issued a report recommending that the petition be dismissed as moot. Docket No. 18 at 2. A copy of this report was sent to Petitioner at his last known address, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption arises that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Canada*, 931 F.3d 412, 420–21 & n.9 (5th Cir. 2019).

Because no objections have been filed, Petitioner is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings and documents in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a magistrate judge's report are filed, the

standard of review is “clearly erroneous, abuse of discretion and contrary to law.”) Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 18) is **ADOPTED** as the opinion of the Court. It is further

ORDERED that the above-captioned petition for the writ of habeas corpus is **DISMISSED AS MOOT**. The dismissal of this petition shall not prevent Petitioner from seeking any relief to which he may be entitled from his sentencing court, the U.S. District Court for the Southern District of Texas. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 16th day of May, 2025.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE